

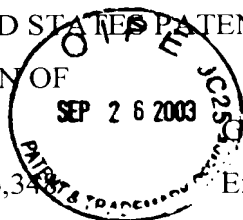
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

GRILLO-LOPEZ et al.

Application Serial No. 09/436,348

Filed: November 9, 1999



Group Art Unit: 1644

Examiner: Ron Schwadron

Title: USE OF CHIMERIC ANTI-CD20 ANTIBODY AS IN VITRO OR IN VIVO PURGING
AGENT IN PATIENTS RECEIVING BMT OR PBSC TRANSPLANT

* * * * *

SUPPLEMENTAL ELECTION RESPONSE

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OCT 02 2003

TECH CENTER 1600/2900

Sir:

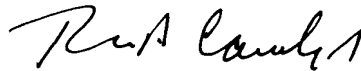
This is in response to the official action [restriction requirement] mailed on July 28, 2003.

Applicants elect, without traverse, *in vitro* methods using an anti-CD20 antibody as a species on which prosecution shall proceed. Claims 1-3 and 5-14 read on the elected species. Upon allowance of a generic claim, applicant requests that additional species, including methods that employ *in vivo* anti-CD20 treatment and a combination of *in vitro* and *in vivo* anti-CD20 treatments, be considered.

Applicants further elect, with traverse, a method for anti-CD20 therapy that does not include further includes radioimmunotherapy, whole body irradiation, chemotherapy, cytokine treatment, and/or antibody therapy as a species on which prosecution shall proceed. Claims 6, 7, and 9 read on the elected species. Applicants traversal is on grounds that the claimed methods encompass subjects having received these additional treatments, and thus it would not be an undue burden to complete a search that includes these aspects of the invention. In support thereof, clinical trials supporting the disclosed methods include subjects having the indicated treatments (McLaughlin et al. (1998) *J Clin Oncol* 16:2825-33; cited at pages 9-10 of the specification; copy enclosed). Upon allowance of a generic claim, applicant requests that methods comprising anti-CD20 therapy and the above-noted additional treatments be considered.

If there are any remaining questions regarding the election of species,
applicants respectfully request that the examiner contact the undersigned attorney.

Respectfully submitted,
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